

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION NO. 2064 OF 1995

For Approval & Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether reporters of local papers may be allowed to see the judgment ?
 2. To be referred to the reporters or not ?
 3. Whether their lordships wish to see the fair copy of the judgment ?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950, or any order made thereunder ?
 5. Whether it is to be circulated to the Civil Judge?

Labhshankar Jivanlal Bhatt

VERSUS

Dilipbhai Hirabhai Zala

Appearance:

Mr.Mehul Rathod for petitioner

None present for Respondent

Coram: MR.JUSTICE S.K. Keshote,J

Date of decision:30/12/1999

C.A.V. JUDGMENT

#. Heard the learned counsel for the petitioner.

#. Under the impugned order dated 3.8.95, the Division bench of the Small Causes Court, below ex.1, in Civil Appeal No.120 of 1994 granted the application filed by respondent for condonation of delay occurred in filing of the said Appeal.

#. This revision application was admitted by this court on 24.11.95. The order dated 24.11.95 reads as under:

Rule. Ad-interim relief refused subject to the observation that the result of the Appeal shall be subject to the final decision of the present Revision.

#. The learned counsel for the petitioner submits that this Appeal has not been decided so far.

#. Under the impugned order, the learned court below has only condoned the delay in filing of the Appeal. The Appeal has not been decided finally. This order does not fall under any of the clauses (a), (b) or (c) of sub-section 1 of Section 115 of the Civil Procedure Code. Moreover, in case this order is allowed to stand, it will not cause any failure of justice or will not cause any injury to the petitioner because if ultimately he fails in the Appeal, then while challenging the final decision, he has all the right to challenge this interlocutory order also, as what this court has also suggested under its order dated 24.11.95. The civil revision application is dismissed. However, dismissal of this civil revision application will not come in the way of the petitioner, if ultimately he fails in the Appeal and he challenges the final decision given in the Appeal, to challenge this order also therein. Rule discharged. Interim relief, if any, granted by this court stands vacated. No order as to costs.

(S.K.Keshote, J.)

[sunil]